

## PROMOTION OF ACCESS TO INFORMATION MANUAL

Of

### Systemellence CC

#### INTRODUCTION

1. The Promotion of Access to Information Act 2 of 2000 (the “Act”) commenced on 9 March 2001 to give effect to the right of access to information recognised by section 32 (2) of the Constitution of the Republic of South Africa, 1996.
2. The Act requires the compilation of a manual providing –
  - a. information on the types and categories of records held by each private body (e.g. a company); and
  - b. a process whereby access to such body’s records can be requested.
3. This manual –
  - a. has been issued by Systemellence CC (the “Company”);
  - b. will be updated –
    - i. within 12 (twelve) months of its first issue; and
    - ii. whenever a material change occurs.

#### AVAILABILITY

4. The manual may be inspected at the offices of the South African Human Rights Commission (the “SAHRC”); by prior arrangement with the designated contact person, at the Company’s physical address, or on website [www.systemellence.com](http://www.systemellence.com) when posted.

#### CONTACT PERSON

[Section 51 (1) (a) of the Act]

5. Requests in terms of the Act may be addressed the Head of the Company, namely:
  - a. Contact Person: Jaco Pretorius
  - b. Postal Address: 46 Senekal Street, Wierda Park X2, Centurion, 0157
  - c. Physical Address: 46 Senekal Street, Wierda Park X2, Centurion, 0157
  - d. Telephone: +27 12 653 7233
  - e. Facsimile: +27 86 508 5666
  - f. E-Mail: [info@systemellence.com](mailto:info@systemellence.com)

#### GUIDE FOR REQUESTORS

[Sections 51 (1) (b) and 10 of the Act]

6. The South African Human Rights Commission (the “SAHRC”) has compiled a guide containing information to assist any requestor who wishes to exercise a right in terms of the Act.
7. Queries in that regard may be addressed to the SAHRC’s PAIA Unit at:
  - a. Postal Address: Private Bag X 2700, Houghton 2041, South Africa

- b. Physical Address: PAIA Unit, Princess of Wales Terrace, corner of York and St Andrews Streets, Parktown, Johannesburg, South Africa
- c. Telephone: +27 11 484 8300 Fax +27 11 484 0582/1360
- d. Facsimile: +27 11 484 0582 / 1360
- e. E-Mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)
- f. Website: <http://www.sahrc.org.za>

## RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

[Sections 51 (1) (c) and 52 (2) of the Act]

- 8. No notice has been promulgated with regard to the categories of information available to a member of the public without having to request access thereto in terms of the Act.

## RECORDS HELD IN TERMS OF LEGISLATION OTHER THAN THE ACT

[Section 51 (1) (d) of the Act]

- 9. The Company holds or will hold records required by other legislation including the –
  - a. Basic Conditions of Employment 75 of 1997
  - b. Companies Act 71 of 2008
  - c. Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
  - d. Consumer Protection Act 68 of 2008
  - e. Copyright Act 98 of 1987
  - f. Employment Equity Act 55 of 1998
  - g. Harmful Business Practices Act 23 of 1999
  - h. Income Tax Act 95 of 1967
  - i. Insurance Act 27 of 1943
  - j. Labour Relations Act 66 of 1995
  - k. National Road Traffic Act 93 of 1996
  - l. Occupational Health and Safety Act. 85 of 1993
  - m. Patents Act 57 of 1987
  - n. Sales and Service Matters Act 25 of 1964
  - o. Short Term Insurance Act 53 of 1998
  - p. Skills Development Act 97 of 1998
  - q. Skills Development Levies Act 9 of 1999
  - r. Trademarks Act 194 of 1993
  - s. Unemployment Contributions Act 4 of 2002
  - t. Unemployment Insurance Act 63 of 2001
  - u. Value-Added Tax Act 89 of 1991

## GENERAL RECORDS

[Section 51 (1) (e) of the Act]

- 10. The following descriptions of subjects on which records are kept and categories of records held thereon are given to facilitate an access request for an the Company record:
  - a. **Commercial**

- i. Contracts and Agreements
  - ii. General Correspondence
- b. Compliance and Secretarial**
  - i. Memorandum/ Articles of Association/Memorandum of Incorporation
  - ii. Minutes of Meetings
  - iii. Related Correspondence
- c. Finance/Administration**
  - i. Accounting Records
  - ii. Bank Statements/Records
  - iii. Invoices/Statements
  - iv. Insurance Documentation
  - v. Related Correspondence
  - vi. Statutory Records and Returns (e.g. PAYE, UIF and Tax)
  - vii. Vehicle Registration Documents
- d. Information Technology**
  - i. Software licences, manuals and installation instructions
- e. Marketing/Business Development**
  - i. Brand Information
  - ii. Business Development/Client Relationship Material
  - iii. Customer Requirements
  - iv. Proposal Documents
  - v. Related Correspondence
- f. Human Resources**
  - i. Personnel Records
  - ii. Personnel Policies and Procedures
- g. Operations**
  - i. Customer Accounts and Transaction Records
  - ii. Equipment Installation/Deployment Records
  - iii. Site Survey Documentation
  - iv. Website

## ACCESS TO RECORDS

### **11. Voluntary Disclosure [Section 52 of the Act]:**

- a. The information on the Company's website is freely available to the public.
- b. Marketing material is distributed by the Company without charge.
- c. The Company does not have other records which are available without a person having to request access in terms of the Act.

### **12. Right of Access [Section 52 (1) and (3) of the Act]:** A requester will be given access to any Company record IF –

- a. the record is required for the protection of rights; and
- b. the requester's request complies with the Act's procedural requirements; and
- c. the access is NOT refused on any ground contemplated in the Act's Part 4.

### **13. Application [Sections 51 (1) (e) and 56 (1) of the Act]:** The requester must –

- a. complete the Request for Access (Annexure A); and
- b. attach to that form –
  - i. a copy of his or her identity document;
  - ii. when the Request for Access is being made in a representative capacity, any written authority to do so; and
  - iii. any supporting material; and

- c. submit all the above to the designated contact person by mail, e-mail or facsimile transmission; and
- d. except where the requester requests access to a record containing personal information about the requester or the person on whose behalf the request is made, an initial request fee of R 50.00 (fifty Rand) i.e. R 57.00 (fifty seven Rand) inclusive of VAT must be paid when the Request for Access is submitted..

**14. Payment [Section 54 of the Act]:**

- a. The prescribed request, access and other fees exclude Value-Added Tax.
- b. The prescribed access fee (Annexure B) must be paid before access will be given to the requested record IF that access is NOT refused on any ground contemplated in the Act's Part 4.
- c. Payment details can be obtained from the contact person.

**15. Notification [Sections 51 (1) (e), 54 and 57 of the Act]:**

- a. If in the case of a requester other than a personal requester, the Company is of the opinion that the search for and preparation of the record for disclosure will take more than 6 (six) hours, the Company may in writing notify the requester that – in addition to any initial request fee – the requester is required to pay a deposit of one-third of the access and search fee.
- b. If the Company grants the Request for Access, the Company will in writing notify the requester of its decision and the prescribed fees (in addition to any initial request fee) to be paid.
- c. If the Company declines the Request for Access, the Company will in writing notify the requester of its decision and its reasons therefor.
- d. The Company will do the above within 30 (thirty) days of receipt of the Request for Access except where the Company - on one of the grounds specified in section 57 of the Act - in writing notifies the requester of its decision to extend that period by 30 (thirty) days.

**SIGNED AND ISSUED BY:**



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**SIGNATURE OF HEAD OF THE COMPANY**

**ANNEXURE A**

**(FORM B)**

**REQUEST FOR ACCESS TO RECORD  
[Section 53 (1) of the Act]**

**A. Particulars of the Company to which the Request is addressed:**

The Head:

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**B. Particulars of Person requesting Access to the Record:**

*(a) Particulars of the person who requests access to the record must be recorded below.*  
*(b) Furnish an address and/or fax number in the Republic to which information must be sent.*  
*(c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Names and Surname: \_\_\_\_\_

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Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

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\_\_\_\_\_ Fax Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person: \_\_\_\_\_

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**C. Particulars of Person on whose behalf Request is made:**

Full Names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

OR IF A COMPANY/CLOSE CORPORATION:

Name of Entity: \_\_\_\_\_

Registration Number: \_\_\_\_\_

**D. Particulars of Record:**

*(a) Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be located.  
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Description of record or relevant part of the record: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_

\_\_\_\_\_

**E. Fees:**

*(a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.  
(b) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare the record.  
(c) You will be notified of the required amount to be paid as the access fee.*

(d) If you qualify for exemption of the payment of any fee, please state the reason therefor.

Reason for exemption from payment of fees: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**F. Form of Access to Record:**

*If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in the form in which the record is required.*

Disability: ----- ----- -----	Form in which record required: ----- ----- -----
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Mark the appropriate box with an **X**.

**NOTES:**

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form -					
	Copy of record*		Inspection of record		
2. If record consists of visual images – (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	view the images		copy of the images*		transcription of the images*
3. If the record consists of recorded information that can be reproduced in sound -					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If the record is held on computer or in an electronic or machine-readable form -					
	printed copy of record		printed copy of information		copy in computer

			derived from the record*		readable form* (stiffy or compact disc)
<i>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</i>			YES		NO
<b>Postage is payable.</b>					

**G. Particulars of Right to be exercised or protected:**

*If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.*

1. Indicate the right to be exercised or protected: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Explain why the record requested is required for the exercise or protection of the abovementioned right: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**H. Notice of Decision regarding Request for Access:**

*You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record?  
 \_\_\_\_\_  
 \_\_\_\_\_

**I. Signature:**

SIGNED AT \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_ 201\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER

## ANNEXURE B

## FEE SCHEDULE

<b>FEE FOR REPRODUCTION/ACCESS FEE:</b> Section 52 (3) of the Act and Regulation 5 (1) and (3)	
For every photocopy of an A 4-size page or part thereof	R 1.10
For every printed copy of an A 4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
For a copy in a computer-readable form on stiffy disc	R 7.50
For a copy in a computer-readable form on compact disc	R 70.00
For a transcription of visual images, for an A 4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
For a transcription of an audio record, for an A 4-sizepage or part thereof	R 20.00
For a copy of an audio record	R 30.00
<b>REQUEST FEE:</b> Section 52 (3) of the Act and Regulation 5 (2)	
The request fee payable by a requester, other that a personal requester, referred to in section 54 (1) of the Act is-	R 50.00
<b>SEARCH FEE:</b> Sections 52 (3), 54 (7) and (8) and regulation 5 (3) (f)	
To search for the record for disclosure, for each hour or part thereof reasonably required for such search	R 30.00
<b>POSTAGE:</b> Sections 52 (3), 54 (7) and (8) and Regulation 5 (4)	
When a copy of the record must be posted to a requester	The actual postage fee
<b>DEPOSIT:</b> Section 54 (2) and Regulation 5 (4)	
If in the case of a requester other than a personal requester, the search for and preparation of the record for disclosure will take more than 6 (six) hours, the deposit which may be required of the requester is-	One-third of the access fee